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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,414	01/08/2002	Michael Joseph Calderaro	AUS920010786US1	1316

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EXAMINER

LE, NANCY LOAN T

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1A

Office Action Summary	Application No.	Applicant(s)	
	10/042,414	CALDERARO ET AL.	
	Examiner	Art Unit	
	NANCY LOAN T. LE	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-10, 14-16 is/are rejected.
- 7) ☒ Claim(s) 4-7, 11-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-20 have been examined.

Specification

1. The disclosure is objected to because of the following informalities: a duplicate entry, "*the present invention*" in particular, appeared in the second sentence of the 'Field of Invention' in the Background section. Appropriate correction is required.

Claim Objections

2. Claim 8 is objected to under 37 CFR 1.75 because of the following informalities: it should read "*a* tracking tool" instead of "*an* tracking tool". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riggs, U.S.

Patent Publication No. 2003/0074559.

Referring now to claim 1, Riggs, paragraphs [0126-0128] shows a method of receiving training and tracking/storing training results through/over networks at remote hand held device, said method comprising:

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- receiving a training request from a user;
- identifying a user identifier corresponding to the user;

Riggs does not expressly show *a method of tracking surplus reduction actions* including receiving '*a surplus reduction action from a user*'; and further does not expressly shows the '*storing the user identifier and data corresponding to surplus reduction action in a non-volatile storage area*'.

It is understood here that the '*storing the user identifier and data corresponding to the surplus reduction action in a non-volatile storage area*' step is included in the process of the method -- particularly, in the input/output process, to store (save) the input, the user identity verification/confirmation, or the processed data in a medium in which such information (data) is not cleared off (lost) as the power is cut off, for later execution/use.

However, these differences are only found in the non-functional descriptive material and are *not functionally* involved in the steps recited. The receiving of user's request, user identifying/verifying, and storing user's identification steps would be performed the same regardless of the user's input/requested data. Thus, this descriptive material will *not* distinguish the claimed method from the prior art in terms of patentability.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive a request/input from a user for any type of data. Because such data does *not functionally* relate to the steps in the method claimed, and because the subjective interpretation of the data does *not patentably* distinguish the claimed method.

Referring now to claim 2, Riggs shows a method recited in claim 1, further comprising:

- receiving a digital signature from a user [0127;0145];

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- authenticating the digital signature corresponding to the user [0126-0127, 0142, 0143, 0145, 0147-0150];
- storing the digital signature in a non-volatile storage area [0142-0143].

Referring now to claim 3, Riggs shows the end-user in the method recited in claim 1 is ‘an employee’ [0002-0006]. However, Riggs does not show the specific surplus reduction action includes ‘a surplus acknowledgment’. The surplus reduction action includes a *surplus acknowledgment* which qualifies as descriptive material since it is directed to the content of data, not structure, or an action, or step. This step, however, does not depend on the content of ‘the surplus reduction action’, and is done the same regardless how this descriptive material/data is being used. Therefore, the method has not changed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include any type of information/data in the user’s request taught by Riggs because the subjective interpretation of what is being included in the user’s request, do not patentably distinguish the claimed method.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd, U.S. Patent Publication No. 2001/0037331 in view of Riggs, U.S. Patent Publication No. 2003/0074559.

Referring now to claim 8, Lloyd discloses an information handling system comprising:

- one or more processors [0037-0038];
- a memory accessible by the processors [0037-0038];
- a non-volatile storage area accessible by the processors [0042, 0047];

Lloyd does not expressly disclose an information handling system comprising a tracking tool for tracking surplus reduction actions, the tracking tool including:

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- means for receiving a surplus reduction action from a user;
- means for identifying a user identifier corresponding to the user; and
- means for storing the user identifier and data corresponding to the surplus reduction action in the nonvolatile storage area.

However, Riggs teaches a tracking tool/method that includes the above-mentioned three limitations:

- means for receiving a surplus reduction action from a user;
- means for identifying a user identifier corresponding to the user; and
- means for storing the user identifier and data corresponding to the surplus reduction action in the nonvolatile storage area;

(please see discussion for claim 1 above) to track a surplus reduction action request received by the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information handling system disclosed by Lloyd to include the tracking tool/method with the three limitations mentioned above taught by Riggs, to track the surplus reduction action from the user.

Referring now to claim 9, Lloyd discloses an information handling system comprising all the limitations recited in the base claim, claim 8.

Lloyd does not expressly disclose an information handling system recited in claim 8 which further comprises:

- means for receiving a digital signature from the user;
- means for authenticating the digital signature; and
- means for storing the digital signature in the nonvolatile storage area.

However, Riggs teaches a tracking tool/method that includes the above-mentioned three limitations:

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- means for receiving a digital signature from the user;
- means for authenticating the digital signature; and
- means for storing the digital signature in the nonvolatile storage area.

(please see discussion for claim 2 above) to uniquely further verify/confirm the user's identity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information handling system disclosed by Lloyd to include the tracking tool/method with the three additional limitations mentioned above taught by Riggs, to uniquely further verify/confirm the user's identity.

Referring now to claim 10, Lloyd discloses an information handling system comprising all the limitations recited in the base claim, claim 8.

Lloyd does not expressly disclose an information handling system recited in claim 8 wherein the user is an 'employee' and wherein the surplus reduction action includes a 'surplus acknowledgment'.

However, Riggs teaches a tracking tool/method that further includes such limitations: the user is an 'employee' and the surplus reduction action includes a 'surplus acknowledgment' (please see discussion for claim 3 above) to further limit the intended use of the claimed system, as well as what is being included in the user's surplus reduction action.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information handling system disclosed by Lloyd to include the tracking tool/method with said further limitations taught by Riggs, to further limit the intended use of the claimed system, as well as what is being included in the user's surplus reduction action.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riggs, U.S. Patent Publication No. 2003/0074559.

Referring now to claim 14, Riggs, paragraphs [0076-0079] shows a computer program product stored in a computer operable media for tracking surplus reduction actions, said computer program product comprising:

- means for receiving a surplus reduction action from a user;
- means for identifying a user identifier corresponding to the user; and
- means for storing the user identifier and data corresponding to the surplus reduction action in the non-volatile storage area.

(please see discussion for claim 1 above).

Referring now to claim 15, Riggs shows a computer program product recited in claim 14, further comprising:

- means for receiving a digital signature from the user;
- means for authenticating the digital signature; and
- means for storing the digital signature in the non-volatile storage area.

(please see discussion for claim 2 above).

Referring now to claim 16, Riggs shows a computer program product recited in claim 14, wherein the user is an employee and wherein the surplus reduction action includes a surplus acknowledgment (please see discussion for claim 3 above).

Allowable Subject Matter

4. Claims 4-7, 11-13, 17-20 are objected to as being dependent upon rejected base claims (i.e., claims 1, 8, and 14, respectively), but would be allowable if rewritten in independent form including all of the limitations of the base claim(s) and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is (703) 305-0549. The examiner can normally be reached on Monday-Friday, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, for official/regular communication. For informal/draft communication, the fax number is 703-302-3376 (rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia 22202, seventh floor receptionist.

NL
12/27/04


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